

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RICO MENELEE,

Plaintiff,

v.

Case No. 23-cv-10024  
Hon. Matthew F. Leitman

KRISTIN MASON, *et al.*,

Defendants.

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**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF  
REPORT AND RECOMMENDATION (ECF No. 75) AND  
(2) DENYING PLAINTIFF’S MOTION FOR A PRELIMINARY  
INJUNCTION (ECF No. 55)**

Plaintiff Rico Menefee is a former Michigan state prisoner who at all relevant times was in the custody of the Michigan Department of Corrections (the “MDOC”). In this action, Menefee claims that several MDOC employees violated his First, Eighth, and Fourteenth Amendment rights and were deliberately indifferent to his serious medical needs. (*See* Compl., ECF No. 1.)

On February 27, 2024, Menefee filed a motion for preliminary injunction in which he asked the Court to compel the Defendants “to provide efficient, immediate medical treatment by specialist in the field of their expertise for all of [Plaintiff’s] existing medical conditions.” (*See* Mot., ECF No. 55, PageID.328.)

On the day that Menefee filed his motion, he was granted parole. (*See* ECF No. 61-1, PageID.404.) Thus, Menefee is no longer in the custody of the MDOC. Accordingly, on June 13, 2024, the Magistrate Judge issued a report and recommendation in which she recommended that the Court deny Menefee’s motion on that basis that it is moot (the “R&R”). (*See* R&R, ECF No. 75.) More specifically, the Magistrate Judge explained that “[b]ecause [Menefee] is no longer in MDOC custody, his requests to compel the MDOC, its staff, or its medical providers to render any type of treatment have been rendered moot, and he cannot prove that he will suffer irreparable injury without [an] injunction.” (*Id.*, PageID.660.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of her recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.660-661.)

Menefee has not filed any objections to the R&R. Nor has he contacted the Court to ask for additional time to file objections. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). *See also Ivey v. Wilson*, 832 F.2d 950, (6th Cir. 1987) (explaining that where party fails to file “timely objections” to report and recommendation, court may accept that recommendation “without expressing any view on the merits of the magistrate’s conclusions”). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of*

*Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Menefee has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommended disposition of Menefee’s motion for a preliminary injunction is **ADOPTED**.

**IT IS FURTHER ORDERED** that Menefee’s motion for a preliminary injunction (ECF No. 55) is **DENIED**

**IT IS SO ORDERED.**

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: July 31, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 31, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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